

## 2008 SEAMLESS SUMMER OPTION AGREEMENT

## PART III

**Description of the Seamless Summer Option request**

The SFA (School Food Authority) seeks approval under the Seamless Summer Option (SSO) provisions found in section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 12(l)) to operate a Seamless Summer Option in specific locations within its jurisdiction (referred to as *option sites*). Option sites may be schools or other locations where the Summer Food Service Program (SFSP) meals would normally be served. Option sites must be located in needy areas, that is, where 50 percent or more of the children qualify for free or reduced price school meals, **with one exception**. Option sites may also be located in non-needy areas, provided that at least 50 percent of the children enrolled in these sites qualify for free or reduced price school meals.

The option combines features of the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the SFSP. The purpose of this option is to feed children in low-income areas during the summer months (or during extended breaks of a year-round school schedule). This option reduces paperwork and administrative burden that is normally associated with operating all three programs. The SFA is authorized by the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) and the Richard B. Russell National School Lunch Act permanent amendment to allow public and non-profit school food authorities SFA participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) to operate the Seamless Summer Option. The SFA will follow requirements, where applicable, in the NSLP and SBP regulations at 7 CFR Parts 210, 220 and 225 for this option.

**Special Provisions of the Seamless Summer Option**

The SFA is committed to serving meals to the children in the community during the summer months (or in year-round school communities or at other times during the year when SFSP meals can be served) where the option sites are located and will adhere to the following special provisions:

**1. General Program Administration and Sponsor Responsibilities**

As required in §225.14(c)(1) of the SFSP regulations, the SFA demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total Program operations at all sites.

**2. Site Eligibility**

Option sites will be located in needy areas, that is, where 50 percent or more of the children qualify for free or reduced price school meals. All of these sites will be open to the community, except in some cases, participation at an open site may be limited for reasons of safety, security, or control. However, some option sites will also be located in non-needy areas in which at least 50 percent of the enrolled children qualify for free or reduced price school meals. None of these option sites are residential camps. No additional sites will operate under these option procedures without first receiving approval from the State Agency.

Schools operating under a traditional school calendar may operate option sites during the summer months when summer school is in session, provided that all option sites are open to all children (see item 3 below) in the eligible area; these meals will be reimbursed at the free NSLP/SBP rates. However, *summer school only* sites must operate under the NSLP/SBP and will be reimbursed at the free, reduced price, or paid rates.

Year-round schools may operate option sites for off-track students, provided that the sites are open to all children in the area eligibility community. Meals for on-track students will be reimbursed based on the individual student eligibility for free, reduced price or paid rates.

The SFA will not claim any meals under this option at any site without receiving prior approval from the State Agency.

**3. Participant Eligibility**

All persons meeting the definition of *Children* in the SFSP Federal regulations at §225.2 may receive meals at option sites, on a first-come, first-served basis. This includes all persons in the community who are 18 years of age and under (and as defined at §225.2, those persons over age 18 who meet the State Agency definition of mentally or physically disabled persons).

#### **4. Meal Service**

The SFA will follow NSLP meal service requirements for lunch or snacks (§210.10) and SBP meal service requirements (§220.8) for breakfast, *except*:

The number and types of meals will comply with the SFSP requirements at §225.16(b)

*And*

Meals at approved option sites will be served free to all children in accordance with §225.6(e)(4) of the SFSP regulations.

Consistent with these SFSP regulatory provisions and State Agency approval, the SFA will serve one or two meals at no charge, including: breakfast, lunch, snack, or supper. However, the SFA will not claim both lunch and supper meals at the same site on the same day.

Consistent with the NSLP and SBP regulations and instructions, the following provisions will apply to meal service at option sites:

- The NSLP and SBP meal requirements will be used.
- Second meals are not reimbursable and will not be claimed.
- Production and menu records will be maintained that show compliance with the meal requirements.
- The designated lunch period will be between the hours of 10 a.m. and 2 p.m., unless otherwise exempted by FNS.
- At its option, the SFA may allow offer versus serve meals at the option sites.
- Off-site consumption of meals will not be allowed, except as part of a scheduled event such as a planned field trip.

#### **5. Claims and Reimbursements**

The SFA will claim meals at the “free” rates prescribed by USDA for the NSLP (including snacks) and SBP. Supper meals, if permitted by the state agency under the amendment will be claimed at the free rate for NSLP lunches. A claim will be submitted reflecting these option meals during the summer months. All lunches and suppers will receive the standard commodity support rate available for the NSLP. Option sites that qualify for the severe need breakfast rate will continue to receive this rate for reimbursement.

#### **6. Monitoring**

The SFA will review the meal counting, claiming, and meal pattern compliance for each option site within three weeks of the start of operations. Additionally the SFA will follow the requirements for site monitoring at §210.8 of the NSLP regulations.

- Edit Checks  
Regarding the requirement at §210.8(a)(3) for SFA edit checks of the meal count prior to submission of a claim for reimbursement.

#### **7. Additional Reporting/Reviews/Evaluation**

- State Agency Oversight  
The State Agency will include option sites operated under this option in the management review requirements described at §210.18 of the NSLP regulations. If a CRE is conducted of the SFA, at least one option site will be visited while it is in operation.
- FNS Evaluation  
FNS reserves the right to conduct an evaluation of these option sites. The evaluation may include periodic special reviews. The State Agency and the SFA agree to cooperate as necessary, including making all applicable records and operations available for review.
- Additional Reports  
FNS may request additional information for evaluation purposes. In the event that additional information on option site operation is required, FNS will allow sufficient time for the State Agency and the SFA to comply with the request. The State Agency and the SFA agree to comply with FNS' requests for additional information for evaluation purposes.

## Specific regulatory requirements to be waived

### 1. Exempted SFSP Regulations

To operate the Seamless Summer Feeding Option, the SFA requests the following regulatory provisions in 7 CFR Part 225 to be permanently waived:

7 CFR 225.6, State Agency responsibilities, paragraphs (b), (c), (e), (f), (h)

*Except paragraphs (e)(4) and (e)(7);*

7 CFR 225.7, Program monitoring and assistance, entire section;

7 CFR 225.8, Records and reports, entire section;

7 CFR 225.9, Program assistance to sponsors, entire section;

7 CFR 225.10, Audits and management evaluations, entire section;

7 CFR 225.11, Corrective action procedures, entire section;

7 CFR 225.12, Claims against sponsors, entire section;

7 CFR 225.13, Appeal procedure, entire section;

7 CFR 225.14, Requirements for sponsor participation, entire section

*Except paragraphs (c)(1), (c)(2), (c)(3), and (d)(2);*

7 CFR 225.15, Management responsibilities of sponsor, entire section

7 CFR 225.16, Meal service requirement, entire section

*Except paragraph (b);*

7 CFR 225.17, Procurement standards, entire section;

7 CFR 225.18, Miscellaneous administrative provision, entire section.

### 2. Non-exempted SFSP provisions

The SFSP Federal regulatory provisions, as identified in item 1 above, which remain in force include:

§225.6(e)(4) Section 225.6 covers State Agency responsibilities. Paragraph (e) covers the State-Sponsor Agreement. Paragraph (e)(4) requires that the sponsor agree to serve meals at no cost.

§225.6(e)(7) Paragraph (e)(7) requires the sponsor to agree to claim reimbursement only for the types of meals agreed upon with the State Agency and served without charge to children at approved sites during the approved meal service period. This paragraph also prohibits permanent changes to the serving time of any meal unless approved by the State Agency.

§225.14(c)(1) Paragraph (c)(1) requires that sponsors demonstrate financial and administrative capability to operate the program and requires sponsors to accept final financial and administrative responsibility for the total program operations at all sites.

§225.14(c)(2) Paragraph (c)(2) requires that sponsors must not have been declared seriously deficient in operating the program.

§225.14(c)(3) Paragraph (c)(3) requires that sponsors will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist (except for camps).

§225.14(d)(2) Paragraph (d)(2) requires that meals served in schools must be open to children in the community as well as children enrolled in summer school.

§225.16(b) Section 225.16 covers the meal service requirements, and establishes limits on the number of meals that may be served.